

ARTICLE V - DESIGNED BUSINESS AND RESIDENTIAL AND PARKING ZONES

SECTION 500. DESIGNED BUSINESS AND RESIDENTIAL ZONE (DBR)

501. Background and Purposes

This district is an overlay zone which, in addition to permitted uses and controls of the underlying zone, also permits additional uses subject to special provisions and is composed of the Designed Business One (DB-1) and Designed Business Two (DB-2) Zones together with associated residentially-zoned areas as shown on the Town Zoning Map. The district is a transitional zone between the Central Business District and the lower density residential districts on the periphery of that center and provides for the construction of residential dwellings as an alternative form of development to that which is still permitted in the DB-1 and DB-2 Zones. The public interest is to provide a desirable alternative to presently permitted commercial uses within the DB-1 and DB-2 portions of this zone, to provide a broader choice of housing types in Darien, and to preserve the residential character of Darien. This zone permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages, and will also meet certain social needs and requirements within the community. In particular, the DBR district is intended to provide a diverse range of housing alternatives with senior and moderate income housing being specifically encouraged.

502. Site Required to be Served by Public Water and Public Sewerage Facilities

To qualify for development under these DBR regulations, a site shall be served by public water and public sewerage facilities of sufficient capacity for the proposed development.

503. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

- a. Multi-family dwellings.
- a. Related accessory buildings, structures and uses.

504. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2 acres (87,120 sq. ft.)		
2. Minimum Lot Frontage	150 (see Note a)		
3. Minimum Lot Width (Average)	250		
4. Minimum Lot Depth (Average)	200		
5. Average Floor Area of All Dwelling Units	1200 sq. ft. (See note e)		
6. Minimum Floor Area of Dwelling Units	600 sq. ft.		
7. Minimum Front Yard	30		
8. Minimum Side Yard	25		
9. Minimum Rear Yard	25 (See Note b)		
10. Maximum Height	2 ½ stories or 28 ft. (See Note c)		
11. Maximum Building Coverage	20% (See Note d)		
12. Maximum Floor Area Ratio (Subsection 515)	0.30 (0.12 offices + 0.18 multi-family)		
13. Maximum Building Size	8000 sq. ft.		
14. Maximum Dwelling Units/Building	10		
15. Maximum Density	Senior Housing Standard	Moderate Income Incentive	
Dwelling Units/Gross Acre	8	12	+ 40% over standard
Bedrooms/Gross Acre	16	18	+ 40% over standard

Notes:

- Frontage shall be on either Boston Post Road, Old Kings Highway North or Leroy Avenue.
- If located within 100 feet of any residential zone, a 50 foot minimum rear yard shall be required.
- Occupancy shall be limited to two stories, and half of the basement (based upon one-half the total square footage of the first floor) may be occupied and finished as well.
- May be increased to 25% to permit senior housing or moderate income housing incentives. Total coverage of the site including accessory buildings, parking and other paved areas, terraces and pedestrian sidewalks shall not exceed 50% of the site area.
- The average floor area of all dwelling units may be increased from 1200 square feet to as much as an average of 1800 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

505. Density

505.1 Modification - Significant wetlands and areas of steep slopes of 15 percent or greater grade may be identified by the Commission and excluded from the gross land area computation. The Commission may increase the maximum density and modify the coverage requirements hereunder pursuant to Subsections 506.1 and 506.2.

505.2 Bedrooms - At least 30 percent of the total number of units shall be limited to one bedroom.

505.3 Maximum Total - The total number of dwelling units, including maximum unit density and bonus units, shall not exceed 60 dwelling units on any DBR site. The total number of bedrooms, including maximum bedroom density and bonus bedrooms, shall not exceed two times the maximum total number of permitted dwelling units on any DBR site.

506. Density Incentive

506.1 Senior Housing Incentive - If the applicant agrees to limit occupancy of all dwelling units to families of which at least one person is age 62 or over, then the Commission may permit the applicant to develop a maximum density of 12 units and 18 bedrooms per gross acre. Title to the Senior Housing Incentive Units shall be restricted so that in the event of any resale by the owner or any successor, the property shall remain restricted to occupancy by at least one person age 62 or over.

506.2 Moderate Income Housing Incentive - Permitted density may be increased by not more than 40 percent if at least 40 percent of the additional density units are established as moderate income dwelling units. This incentive is an alternative to and not in addition to the Senior Housing Incentive above. The Commission may limit this increase in density where the Commission determines that such may be necessary or appropriate because of the specific characteristics of the individual site. The Commission may waive the recreational requirement of Subsection 509.b where the Commission finds that such waiver will encourage moderate income housing units. Additional criteria for moderate income housing incentives are set forth in Subsection 513.

507. Buffer

Any internal road, parking area or accessory structure for multiple or community use within 100 feet of any residential single-family zone shall be screened from view during all seasons of the year. No swimming pool, tennis court, paddle tennis court or other open recreational facility shall be located within 100 feet of any residential single-family zone and shall be screened in accordance with the requirements of Section 940.

508. Building Separation

A building wall with windows shall be at least 20 feet from any opposing wall that does not have windows and at least 50 feet from any opposing wall that does have windows.

509. Accessory Building, Structure and Uses

- a. Terrace areas adjacent to and with direct access from the unit shall have no dimension less than 10 feet with a minimum area of 150 square feet.
- b. Outdoor recreational uses, such as in-ground swimming pools, tennis courts and platform tennis courts, shall be required on DBR sites with more than 20 dwelling units. This requirement may be waived by the Commission.

- c. Business or professional home occupations shall not be permitted in dwelling units in this zone.
- d. A temporary sales or rental office may be permitted for use only in the sale or rental of units on site until initial sale or rental of the units shall be completed.
- e. Manager's office and/or community recreation center may be permitted as appropriate.
- f. Facilities for use by the occupants as common rooms or laundry, including but not limited to entertainment or common dining rooms with supportive food preparation areas and areas for periodic medical examination, limited treatment and therapy.
- g. Garages detached from a principal dwelling shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of passenger vehicles of residents.
- h. Signage shall be limited to sign requirements applicable to all Residential Zones.
- i. Outdoor laundry drying areas shall be prohibited.
- j. Refuse containers shall be located in a building or screened by solid fences of at least six feet in height and fully enclosed.
- k. Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
 - (1) Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
 - (2) Each such accessory building or structure shall not exceed one story and shall not exceed 15 feet in height;
 - (3) No such accessory building or structure shall be occupied or used as habitable living space;
 - (4) No accessory building or structure shall include any activity conducted for gain or profit;
 - (5) The total floor area of all accessory uses and buildings shall not exceed five percent of the gross floor area of the residential development.

510. Usable Open Space

- a. Except as provided in Subsections 514 and 515, at least 600 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas shall be able to contain a circle with not less than a 20 foot diameter. The land so set aside shall be properly monumented, graded, screened and landscaped and may include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. At least 75 percent of the recreation area shall

have a grade less than five percent and the area shall be shown on the plan as well as the nature and type of recreation and facilities to be provided.

- b. The requirement of 600 square feet usable common open space per unit may be reduced by an amount equal to the total of the terrace areas provided under Subsection 509 divided by the total number of dwelling units on the site, and said area can be included in the calculation of the 600 square feet of open space per unit required hereby.
- c. The Commission may require that a conservation easement be conveyed for this required open space.

511. Architectural Design

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standards listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and to preserve and improve the appearance and beauty of the community. The architectural design shall be reviewed by the Architectural Review Board and a report received prior to a public hearing.

- a. Pitched roofed buildings shall be encouraged.
- b. Roof-top mechanical equipment other than solar energy panels shall be concealed from all sides.
- c. No building shall extend in a continuous plane for more than 75 feet without an offset or stagger of at least five feet in depth.
- d. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- e. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, water courses, rock outcrops and similar natural features are preserved to the greatest possible extent.

512. Parking, Drives and Garages

- a. Number of Off-Street Spaces - 2 1/2 spaces per dwelling unit including at least one single-car enclosed garage and one additional parking space excluding garage aprons provided for each dwelling unit. A minimum of one-half space per unit shall be designated as visitor parking.
- b. Parking spaces and driveways shall not be located in any required buffer or yard areas.
- c. Outside parking spaces shall be at least 10 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.

- d. No portion of any such parking area shall be more than 200 feet from the entrance of any unit served thereby.
- e. Not more than 10 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.
- f. Driveways shall generally have a width of 24 feet. Primary access shall only be to Boston Post Road, Old Kings Highway North, or Leroy Avenue. On corner lots, secondary access may be permitted on side streets.
- g. Pedestrian walkways, a minimum of three feet in width, shall be provided between buildings and between buildings and public highways in a system so as to discourage the use of driveways for pedestrian use. A sidewalk along a public street shall be constructed or reconstructed by applicant.

513. Moderate Income Housing Incentive

513.1 Criteria for Moderate Income Dwelling Units

- a. Moderate income units shall be available for sale, resale or continuing rental only to moderate income families as defined in Subsection 513.2. Such units shall be physically integrated and dispersed into the design of the development. Moderate Income Units shall be distributed among one, two or three bedroom units in the same proportion as all other units on the site unless a different proportion is approved by the Commission as being better related to current or projected housing needs.
- b. Maximum Rent and Sales Price - the maximum monthly rent for a moderate income dwelling unit excluding utilities (gas, oil and electricity) and common charges shall not exceed two percent of the median annual Town-paid wages of all full time employees and teachers during the preceding calendar year. The maximum sales price for a moderate income dwelling unit shall not exceed 3 1/2 times the median annual Town-paid wages of all full time Town employees, including Board of Education employees, during the preceding calendar year. There shall be no extra charge for minimum required facilities such as, but not limited to, parking and recreational facilities other than common charges applicable to all dwelling units.
- c. Resale Restrictions - in the case of moderate income dwelling units, the title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Subsection 513.1 (b) above, plus the cost of any fixed improvements made by the owners.
- d. The Commission may require additional assurances, including deed restrictions, to ensure the continuing eligibility of tenants and continuing restrictions on use to eligible moderate income families.
- e. Leasing and Subleasing - moderate income units may be occupied only by the owner and his or her immediate family, qualified according to these

Regulations, except that any unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

513.2. Definition of Moderate Income Families

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application (including a reasonable amount attributable to ownership of any residence which will be vacated, but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple of median annual Town-paid wages of full-time employees of the Town, including Board of Education employees, during the preceding calendar year.

<u>Family Size</u>	<u>Multiple</u>
1 person family	0.9
2 person family	1.3
3 person family	1.4
4 person family	1.5
5 person family	1.6

514. Darien Housing Authority or Town of Darien Special Permit Regulations

514.1 Background and Purposes

The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority and/or an entity officially designated by the Town of Darien only, in order to provide "Housing for Elderly Persons" under Section 8-112A, et seq. of the General Statutes and/or Moderate Income Housing.

514.2 Permitted Uses

The applicability of this Special Permit Section is also limited to land now or in the future owned by the Town or the Darien Housing Authority within the DBR Zone. All of the regulations of the DBR Zone shall apply to applications by the Darien Housing Authority or the Town of Darien except the Commission may, provided it shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:

- a. Setback requirements by not more than 25 percent.
- b. Height restriction for existing structures to be rehabilitated for senior citizen or moderate income housing.
- c. Maximum coverage by not more than 25 percent.
- d. Density by not more than 25 percent of the Density Incentive set forth in Section 506.
- e. Reduction of open space requirements by not more than 50 percent.

- f. Parking by reducing minimum number of spaces to not less than one space per unit for limited income elderly housing or two spaces per unit for moderate income housing.
- g. Removing garage requirement.
- h. Minimum floor area of dwelling units.
- i. Requirements for building separation.

514.3 Special Permit

The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:

- a. The average floor area of residential units not exceeding 1000 square feet and at least 30 percent of all units being one bedroom units.
- b. The housing permitted hereunder being limited to moderate or limited income housing as provided and determined by the Darien Housing Authority or an entity officially designated by the Town of Darien pursuant to and in accordance with applicable state laws and these Regulations.

515. Mixed Use Regulations

515.1 Background and Purposes

Properties within the DBR Zone may be developed with combinations of residential and non-residential uses with the expressed intent of encouraging the construction of multi-family housing. This form of development shall be referred to as "DBR Mixed Use Development" and shall be permitted only subject to the terms and conditions of these special regulations and after careful design review to ensure that a harmonious relationship is established among the mixed uses and between the mixed uses and the general environs of the site.

515.2 Permitted Uses

Non-residential uses which are deemed to be compatible with multi-family units and which may be incorporated within a DBR Mixed Use Development shall be limited to:

- a. Business and professional offices.
- b. Indoor recreation facilities.
- c. Clubs or lodges.
- d. Protected Town Landmarks.

515.3 General Standards and Requirements

- a. In deciding whether to permit mixed use development, the Commission shall find that the proposed uses are:
 - (1) Appropriate to the site and compatible with surrounding properties and development;
 - (2) Designed to preserve any historically or architecturally significant structures and significant environmental features on the site;
 - (3) Properly designed to enhance and emphasize the residential portion of the project;
 - (4) Designed to minimize impacts upon any adjoining residential uses;
 - (5) Designed to minimize traffic congestion;
 - (6) Of an intensity and combination of uses appropriate to the site and district pursuant to the requisite findings under Section 1000 of these Regulations.
- b. A DBR Mixed Use Development may include more than one lot and said lots are not required to be under common ownership. However, no structures shall encroach upon any lot line and all property owners shall participate in the application and be a direct party to any Special Permit which may be granted. Any future application to amend a Special Permit granted hereunder shall be consistent with the entire mixed use site. Any shared facilities, common usages or other such elements of the Special Permit shall be established in perpetuity through irrevocable easements or other appropriate procedures.
- c. A DBR Mixed Use Development constituting a subdivision or re-subdivision as defined in the General Statutes, shall not be approved by the Commission unless such subdivision or re-subdivision shall also have been approved. Such subdivision or re-subdivision approval process shall precede or be undertaken in conjunction with the DBR approval process.

515.4 Density

No business or professional office building or structure in any DBR Mixed Use Development, as defined herein, shall exceed a floor area ratio (FAR) of 0.12. Any DBR Mixed Use Development including both a professional or service commercial office building or structure and multi-family dwellings shall not exceed a total FAR of 0.30 (0.12 for office and 0.18 for multi-family). In a DBR Mixed Use Development, any incremental increase in floor area above the ordinary maximum allowable FAR for the non-residential uses shall be for multi-family uses only. Previously existing indoor recreation facilities, clubs or lodges, and protected Town Landmarks are not subject to a specific FAR limitation due to their uniqueness, but the Commission may limit the amount of non-residential or multi-family development on the site accordingly. Otherwise, all requirements of Subsection 505 shall be applicable.

All regulations hereunder pertaining to density and intensity of development are maximum levels of development and the Commission, in its discretion, may further limit development to reflect site specific conditions.

515.5 Special Exceptions

Where the Commission makes positive findings under these standards and regulations that a proposed DBR Mixed Use Development may be permitted, they may also consider the granting of certain special exceptions which may permit additional flexibility in the development of the site or result in an improved development of the district. Wherever special exceptions are permitted, they shall be set forth specifically on the plans and the Commission shall set forth such exceptions in the record on the applications. These may include:

- a. Coverage - The maximum building and total site coverage for both commercial and residential uses may be increased by not more than 10 percent.
- b. Open Space - The minimum open space requirement of 600 square feet of usable open space for each dwelling unit may be decreased by the Commission to no less than 400 square feet for each dwelling unit. Otherwise, all requirements of Subsection 510 shall be applicable.
- c. Parking - The minimum parking space requirements for a non-residential use shall be complied with in full pursuant to Section 900. With regard to residential parking space requirements, the one-half space per unit to be designated for visitor parking may be provided on that portion of the site not reserved for multi-family uses if established by easement. Otherwise, all requirements of Section 900 shall be applicable to the residential development parking requirements.
- d. Setbacks - All setback requirements shall be applicable to a DBR Mixed Use Development with regard to parcels adjoining the site, but the Commission may grant special exceptions concerning the setback requirements involving mixed uses where it finds that to do so shall result in a better plan of development.
- e. Buildings - In no event shall the maximum permitted size of a non-residential structure be increased beyond that permitted by the DB-1 and/or DB-2 standards for the portion(s) of the property which is within these zoning districts. The specific locations of the structures or buildings may be established on any portion of the mixed use development site, subject to the applicable setback requirements. No single building shall contain both residential and non-residential uses.

515.6 Applicability

These regulations shall be deemed to be an exclusive alternative development form within the DBR Zone and may not incorporate any incentives provided under Subsections 506, 513 or 514.

515.7 Pre-application Procedures

- a. Prior to developing any formal application, a sketch plan shall first be submitted to the Commission's office for an informal determination by the Director of Planning and Zoning that the proposal generally meets the intent and purposes of this Section.
- b. Upon receiving a positive determination in writing from the Commission's office, a preliminary application shall be submitted for the Commission's consideration.
- c. All reviews of preliminary plans by the Director and/or Commission shall be designed to aid the applicant in the preparation of an acceptable final plan and shall not be construed as binding on the Commission in its action on any formal application to be made under this Section.
- d. Within 45 days of receipt of the preliminary application, the Commission shall refer the application to the Architectural Review Board and schedule an informal hearing on the proposal.
- e. Subsequent to receiving any Commission approval of the preliminary application, the applicant shall prepare final plans and documents incorporating all requirements established by the Commission.

516. General Standards and Requirements

In addition to the specific standards and requirements provided herein, the Commission's approval of any application in the DBR district shall be subject to the Commission making all findings under Section 1000 and the following additional findings:

- a. The residential development shall be consistent with the letter and intent of the Town Plan and shall maintain the Town's predominantly residential character.
- b. The residential development shall not be detrimental to the health, safety, property values and character of the neighborhood and shall not adversely affect any adjoining single-family residential areas.

517. Application

As part of the Site Plan Approval process within the DBR Zone, the following additional requirements shall apply:

- a. A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
- b. Elevation drawings for each side of the building.
- c. Samples of the finishing materials to be used on the exterior.

- d. Color photographs of existing development a minimum distance of 200 feet to any side of the subject site and a locus map showing all buildings within a distance of 200 feet of the subject site.
- e. Presentation of an architectural style which shall enhance and contribute to the historic and architectural character of the site and the surrounding area.
- f. Buildings designed to enhance and contribute to special design features of the area including historic and public buildings and the natural environment.
- g. The applicant shall either obtain and submit with the application all necessary legal documents or rights such as easements, rights-of-way, articles of association, declarations, etc. or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.
- h. The applicant shall establish the phasing of development to clearly specify the sequence of construction of buildings and areas to ensure that amenities, public facilities and utilities shall be installed according to a specific construction schedule and to ensure against excessive excavation and undue damage from erosion.
- i. Such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

518. Limitation of Time

The Commission's approval shall become null and void unless construction of streets and other improvements shown on the site plan shall be at least 50 percent completed within one year of the effective date of the Commission's approval; site development completed within two years from the date of approval; and entire project completed within three years from the date of approval.

519. Drives

Drives and accessways within any DBR site shall be privately owned and maintained. Construction standards shall comply with the prevailing requirements for Town roads.

SECTION 520. DESIGNED MULTI-FAMILY RESIDENTIAL ZONE (DMR)

521. Background and Purposes

This district permits multi-family uses subject to special provisions. The district provides for the construction of residential dwellings, the preservation of open space, and the general enhancement of residential development of larger properties conveniently located with respect to basic services within the community. The district is designed to be within walking distance of the Noroton Heights Shopping Center and the Noroton Heights train station in Darien. The zone is intended to provide a broader choice of housing types, to address needs for affordable housing, and to preserve the residential character of Darien. Multi-family housing within prescribed density limitations may only be constructed here, where it will be in close proximity to commercial services and mass transportation facilities, but, except for dwelling units of the Darien Housing Authority, it will not be adjacent to, and in no case, shall the new units adversely impact existing or potential single family residences. This zone is in close proximity to a commercial retail center and permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages.

522. Site Requirements

a. Utilities

To qualify for development under these DMR regulations, a site shall be served by public water supply and public sewerage facilities of sufficient capacity to serve the development. The applicant shall submit a statement from a licensed Professional Engineer or the utility companies certifying that such capacity exists.

b. Environmental Impacts

An environmental impact study shall be prepared as part of any application which shall clearly illustrate all effects upon environmental factors including but not limited to: flood prone areas; water bodies; aquifers; trees and vegetation; storm drainage systems; soils; wetlands; and other such elements. Such study shall describe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development.

c. Traffic Impacts

A current traffic impact study shall be prepared incorporating the findings required to be made by the Commission under Subsection 1005 (d) and (e) of these Regulations with regard to such traffic elements as road and drive widths, sight lines, circulation patterns, curb cuts, trip generation, and other typical traffic safety and convenience requirements including impacts upon the surrounding street system.

d. Basic Services

All development proposed under this Section shall be located adjacent to or in close proximity to required basic services such as public utilities, available forms of public transportation within the community, shopping facilities, and convenient access to

major highways and commuter roads. An analysis of the availability of such basic services shall be submitted as part of any application to demonstrate that the requirements of this Subsection have been fulfilled.

523. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. All uses permitted in the R-1/3 Zone as set forth in Article IV, Section 400 herein.

524. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

- a. Multi-family dwellings.
- b. Affordable Housing Developments. Multi-Family residential developments which conform to Section 8-30g of the Connecticut General Statutes in effect the date the site plan application is made, and Sections 524.2 and 524.3 of these regulations.
- c. Related accessory buildings, structures and uses.
- d. Public and semi-public uses.

524.2. Criteria for Affordable Housing Units

- a. Availability for sale, resale, and rental: Affordable Housing units shall be available for sale, resale and continuing rental only to those families who qualify for such units under Section 8-30g of the Connecticut General Statutes, as amended.
- b. Construction Quality and Size: Affordable housing units shall be of a construction quality and size that is equivalent to market-rate units within the development and shall be dispersed throughout the development.
- c. Pro-Rata Construction: If the development is to be built in phases, the Affordable Housing Units shall be built on a pro-rata basis as construction proceeds.
- d. Bedroom Ratios: The ratio of one, two and three bedroom units among the affordable housing units shall be comparable to the ratio of one, two, three bedroom units among the market rate units.
- e. Maximum Monthly Payment: The maximum monthly payment for an affordable housing unit shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in Section 8-30g of the Connecticut General Statutes, and shall include the following:
 - 1. For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a

common interest community; if the tenant is directly responsible heat and utility costs, including hot water and electricity, but excluding telephone and cable television.

2. For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments (assuming a reasonable down payment and prevailing interest rates); taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

f. Resale Restrictions

In the case of “for sale” affordable dwelling units and not rental dwelling units, the title to such units shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Section 524.3. The Commission may require additional assurances, including deed restrictions, to ensure the continuing restrictions and to ensure that the units remain affordable.

g. Leasing and Subleasing

Affordable units in separate ownership may be occupied only by the owners and their immediate families, qualified according to these Regulations, except that any such unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

524.3 Definition of Affordable Income Restriction and Housing Payment

Any apartment/housing unit being rented/sold as an “affordable housing unit” as defined in Section 8-30g of the Connecticut General Statutes is available only to persons or families whose income is at or below 80% of the area median income for Darien, or the State median, whichever is less, as determined by the Connecticut Department of Economic and Community Development and the U.S. Department of Housing and Urban Development. Any development approved by the Darien Planning and Zoning Commission is based in part on the condition that a minimum of 25% of the units will be rented/sold as affordable housing units. Any owner is required by law to strictly enforce these restrictions. Income restrictions and rents shall be adjusted by the number of bedrooms.

525. Area and Bulk Requirements for Special Permit Uses (not including Affordable Housing Developments)

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200
4. Minimum Lot Depth (Average)	200
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)
6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. Minimum Front Yard	50
8. Minimum Distance Between Any Structure and Interior Access Drives	30
9. Minimum Side Yard	25
10. Minimum Rear Yard	50
11. Minimum Distance between any proposed structure and the nearest location of an existing or potential single-family detached residential parcel	100
12. Maximum Height	2 ½ stories or 28 feet
13. Maximum Building Coverage	20%
14. Maximum Floor Area Ratio (FAR)	0.15
15. Maximum Average Building Size	8,000 sq. ft.

Notes:

- a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

525.1 Area and Bulk Requirements for Affordable Housing Developments

The following requirements should be deemed to be the minimum or maximum requirements for Affordable Housing Developments, as defined in Section 524:

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200 ft.

4. Minimum Lot Depth (Average)	200 ft.
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)
6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. Minimum Front Yard	50 ft.
8. Minimum Side Yard	25 ft
9. Minimum Rear Yard	25 ft.
10. Minimum Distance Between Any Proposed Structure and the nearest location of an Existing or Potential Single-Family Detached Residential Parcel	50 ft.
11. Maximum Height	2 ½ stories 28 feet
12. Maximum Building Coverage	20%
13. Maximum Floor Area Ratio (FAR)	0.20
14. Minimum Front, Side and Rear Yard for Drives, Outside Parking Spaces, and Utility Structures	None.

Notes:

- a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

526. Density

526.1 Maximum Density

- a. Four (4) Dwelling Units/Net Acre
- b. Up to six (6) Dwelling Units/Net Acre may be permitted as site conditions allow such density and provided that 20 percent of all units in excess of those permitted in Subsection 526.1a above are established as affordable housing units as defined within these Regulations. Such moderate income units shall be evenly distributed within the project in terms of both unit type and geographical location.
- c. Up to six (6) Dwelling Units/Net Acre for Affordable Housing Developments.

526.2 Modification

Up to 10 percent of the total site area may be identified by the Commission as being environmentally unsuitable for development and excluded from the land area computations. Such lands being excluded shall be wetlands, land under water, land within a flood encroachment line, and/or areas with steep slopes of 15 percent or greater grade. Remaining land is net acreage to be used for the calculation of maximum densities. The Commission may increase the standard density coverage requirements hereunder pursuant to Subsection 526.1(b).

526.3 Bedrooms

- a. At least 15 percent of the total number of units shall be limited to one bedroom. No unit shall contain more than three bedrooms.

527. Usable Open Space

- a. At least 1000 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas, excepting individual unit terrace areas if any, shall be able to contain a circle with not less than a 100 foot diameter. The land so set aside shall be monumented, graded, and landscaped and shall include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. The area or areas shall be shown on the plan as well as the nature and type of recreation facilities to be provided.
- b. The requirement of 1000 square feet of usable common open space per unit may be reduced by an amount equal to the total square footage of terrace areas provided under Subsection 509. Said area can be included in the calculation of the 1000 square feet of open space per unit required by Subsection 527 a.

528. Design Criteria

Required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

- A. 507, Buffers
- B. 508, Building Separation
- C. 509, Accessory Buildings, Structures, and Uses
- D. 511, Architectural Design
- E. 512 (a-e) & g, Parking, Drives, and Garages
- F. 513.1 a & (d-g), 513.2, Moderate Income Housing Incentive
- G. 516, General Standards and Requirements
- H. 517, Application
- I. 519, Drives

528.1 Design Criteria (for Affordable Housing Developments)

Required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

- A. 507, Buffers
- B. 509, Accessory Building Structures and Uses
- C. 511, Architectural Design
- D. 516, General Standards and Requirements
- E. 517, Application
- F. 519, Drives

All such Subsections are incorporated herein and made a part hereof.

528.2 Building Separation

Each principal building shall be at least twenty (20) feet from any other principal building on the lot, as measured in a straight line between the nearest points of any two such principal buildings.

528.3 Parking, Drives and Garages

The following requirements shall apply to Affordable Housing Developments, as defined in Section 524:

- A. Number of Off-Street Spaces - 2 ½ spaces per dwelling unit, including at least one single-car enclosed garage and one additional parking space including garage aprons provided for each dwelling unit. A minimum of one-half space per unit shall be designated as visitor parking.
- B. Outside parking spaces shall be at least 10 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.
- C. Not more than 12 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.
- D. The Commission may waive the improvement of up to twenty-five percent (25%) of the parking spaces required by this subsection where it is determined that a building or use does not presently need the required number of parking spaces, provided that (1) the applicant sufficiently demonstrates that the nature of the building or use and the factors which determine parking demand result in fewer parking spaces to meet actual parking needs than those required by these regulations, and (2) the site plan shows all required parking spaces, including those for which a waiver is requested. No structures or other improvements, except parking, driveways and underground utilities, may be constructed within the unimproved parking area, and said area shall be suitably landscaped.

529 Phasing of Construction

As part of the Commission's approval, a program specifying the phasing of development, together with a timetable for construction, shall be established. Required Zoning Permits shall be issued in strict accordance with the approved program.

530. Darien Housing Authority Special Permit Regulations

531. Background and Purposes

The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority only, in order to provide low and moderate income housing.

532. Permitted Uses

The applicability of this Special Permit section is also limited to land now or in the future owned or leased by the Darien Housing Authority within the DMR Zone. All of the regulations of the DMR Zone shall apply to applications by the Darien Housing Authority except the Commission may, provided it shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:

- a. Setback requirements, by reducing front yard setback from fifty (50) feet to thirty (30) feet.
- b. Density, by increasing from a maximum of six (6) to a maximum of twelve (12) dwelling units/net acre.
- c. Parking, by reducing minimum number of spaces to not less than two (2) spaces per unit for developments which are entirely low and/or moderate income housing.
- d. Removing garage requirement and modifying driveway requirements.
- e. Maximum floor Area Ratio (FAR) by increasing to .28.

533. Special Permit

The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:

- a. The housing permitted hereunder being limited to entirely low and/or moderate income housing as provided by the Darien Housing Authority pursuant to and in accordance with applicable State laws and these Regulations.

SECTION 540. 3.7 ACRE HOLLOW TREE RIDGE ROAD SMALL ACREAGE ZONE FOR AFFORDABLE HOUSING

541. Background and Purposes

This district is created in response to an application to amend the Zoning Regulations to permit development of affordable housing on a 3.7 acre tract on the west side of Hollow Tree Ridge Road. Affordable housing which fully satisfies the intent, requirements and purposes of Section 8-30g of the Connecticut General Statutes must be part of any housing proposal submitted for approval within this Zone. If the property is not developed for affordable housing in accordance with the requirements of the stated statutes, the district shall continue to be subject to all requirements of the Designed Multi-family Residential Zone as set forth in Section 520 of the Regulations. The district requirements recognize the location of the property which is separated from single-family residential neighborhoods by the railroad tracks to the north, the John Davis Lodge Turnpike (Interstate 95) to the south, Hollow Tree Ridge Road and the commuter parking lot to the east, and to the west, a large undeveloped tract of land which is in the DMR Zone. The isolated location of the site limits density of development to preserve the health and safety aspects of the community. The district is close to the Noroton Heights Shopping Center, the Stop and Shop shopping center, the Noroton Heights Train Station and not far from the Middlesex Middle School. Development in accordance with these Regulations will provide a broader choice of housing types to address the needs for affordable housing while still preserving the predominant single family residential character of Darien. Such multi-family affordable housing under Section 8-30g of the Connecticut General Statutes may only be constructed here, where it will be in close proximity to commercial services and mass transportation facilities, and will not be adjacent to or adversely impact existing or potential single-family residences. These multi-family housing units will serve the needs of persons who desire this form of housing with its associated conveniences and advantages, and it is acknowledged that on-site open space and other amenities must be provided due to the somewhat isolated nature of this property. On-site parking must be sufficient to serve the needs of residents, service persons, and visitors because no on-street parking is likely to become available in the area.

542. Site Requirements

a. Utilities

The site is adjacent to existing water and public sewage facilities which appear to be of sufficient capacity to serve potential development of the property. Upgrading, improvement or extension of the facilities may be necessary due to the density. The costs associated with upgrading such facilities shall be borne by the applicant in connection with any proposed development activity. The applicant shall submit a statement from a licensed professional engineer and/or the utility companies certifying that the capacity of the utilities will suffice to accommodate the proposed development and/or will be upgraded to accommodate such development.

b. Environmental Impacts

An environmental impact study and analysis shall be prepared and submitted to the Commission as part of any application and must clearly illustrate all effects of proposed development upon environmental factors, including but not limited to, inland wetlands and watercourses, aquifers, trees and vegetation, storm drainage systems, potential soil erosion, and other such elements. Such studies shall prescribe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development. The applicant shall also be responsible for certifying to the Commission that the air and noise conditions existing due to surrounding uses have been taken into consideration in the design of the project and that such conditions will not adversely affect or impact the health, safety and comfort of the residents of the premises.

c. Vehicular Traffic

A current traffic impact study shall be prepared and submitted to the Commission so as to meet the requirements of Subsection 1005(d) and (e) of these Regulations with regard to the existing and proposed conditions and circumstances as well as reasonably anticipated traffic elements such as road and drive width, sight lines, current and projected volumes of vehicular and pedestrian traffic, a second means of vehicular access/egress to and from the property for emergency purposes, circulation patterns, curb cut locations, on site parking needs, service vehicle access and maneuvering, trip generation, traffic control devices, signals and signage, pedestrian walkways, sidewalks, handicapped access and convenience and safety requirements including impacts upon the surrounding street system. The costs associated with upgrading or installation of traffic management devices or designs in connection with the proposed development shall be borne by the applicant.

d. Basic Services and Utility Connections

All structures and dwelling units within the site must be serviced by public water and public sewerage. All utility connections, including electrical, telephone, telecommunications and other connections must be underground. No overhead services or wires shall be permitted.

543. Principal Uses Permitted by Special Permit

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

- a. Multi-family dwellings and/or a series of separate dwellings provided any such residential uses are developed in accordance with Section 8-30g of the Connecticut General Statutes.
- b. Related accessory buildings, structures and uses in conjunction with housing which is developed in accordance with Section 8-30g of the Connecticut General Statutes.

- c. Public and semi-public uses.

544. Area and Bulk Requirements for Special Permit Use

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2.0 acres
2. Maximum Lot Area	5.0 acres
3. Minimum Lot Frontage	50' accessway required to a public street and a second accessway for emergency purposes.
4. Minimum Lot Width (Average)	100'
5. Minimum Lot Depth (Average)	100'
6. Maximum Average Gross Floor Area of all Dwelling Units	1875 sq. ft.
7. Minimum Floor Area of a Dwelling Unit	600 sq. ft.
8. Minimum Front Yard	25'
9. Minimum Distance Between Any Structure containing dwelling units and Interior Access Drive	15'
10. Minimum Side Yard	12.5'
11. Minimum Rear Yard	25'
12. Minimum Distance between any proposed structure and the nearest location of an existing or potential Single-family detached residential parcel which is in a different zone	50'
13. Maximum Height	3 stories or 35 feet
14. Maximum Building Coverage	25%
15. Maximum Floor Area Ratio (FAR)	0.20
16. Maximum Average Building Size	10,000 sq. ft.
17. Maximum Density	9 units per net acre (as defined in Section 545c)
18. Open Space	At least 500 sq. ft. per dwelling unit minus any private terrace areas and balcony areas for the units
19. Building Separation:	
Wall with windows to another wall with windows	25'
Wall with windows to wall without windows	10'

545. Maximum Density and Design Criteria

- a) The potential density of 9 units per net acre is to accommodate affordable housing in accordance with Section 8-30g of the Connecticut General Statutes. Any

proposed development of the site shall be accompanied with a detailed and specific plan regarding the size, number, location, and other design features relating to all of the proposed dwelling units and specifically, the proposed affordable housing units. In addition, the applicant shall submit a detailed schedule regarding the timing or phasing of construction and occupancy of the affordable housing units and a detailed long-term management plan (including but not limited to draft documents such as deed restrictions, criteria for affordable housing ownership and occupancy, reporting and verification procedures, etc.) for continued compliance with the provisions of Section 8-30g. In no case shall the affordable housing units being created be delayed until the end of occupancy of the remaining units of the project. The first dwelling unit completed and occupied shall be an affordable housing unit and no more than three market-value housing units shall be completed or occupied for each affordable housing which is subsequently completed and occupied. In this way the completion and occupancy of affordable housing units, which is the goal and purpose of Section 8-30g, shall be accomplished in a timely manner.

- b) The size and type of affordable housing units created in accordance with Section 8-30g of the Connecticut General Statutes shall be dispersed throughout the proposed development and shall be comparable in size, design and construction to the market-value housing units.
- c) Net acres shall be the gross area of the site minus any portion of the site which is regulated wetlands, land under water, and/or land with a slope of more than 15%.
- d) No dwelling unit shall contain more than three (3) bedrooms.

546. Usable Open Space

- a. At least 500 square feet of usable open space shall be provided on the site for each dwelling unit. Terraces or balconies of the units shall be deducted from the open space requirement and open space areas shall be of such grade, size, location and character to be of useful and beneficial recreational purposes to the residents. Recreation and open space areas shall be designed and maintained to prevent the emission of objectionable noise and light onto abutting properties.
- b. Although a swimming pool and/or indoor recreational facilities are not mandatory, it is strongly advised that some form of structured recreational facilities be provided as part of the open space and outside recreation areas.

547. Parking, Garages and Drives

- a) Two (2) on-site parking spaces shall be required for each dwelling unit within the proposed development. It is recommended that one additional parking space per unit be provided on the site for visitors, service personnel and deliveries. All on site parking spaces shall be in accordance with Sections 226 and 900 of these Regulations with respect to minimal distances and design standards.
- b) No on-site garages are required for a housing development proposed in accordance with Section 8-30g of the Connecticut General Statutes, but, if a

majority of the proposed housing units shall be serviced by garages, then the affordable housing units must also be serviced by garages.

- c) Parking within a structure shall be permitted only within a one floor, on grade garage space or in the basement level of the structure. No structural parking deck or multi-level parking shall be permitted.
- d) The minimum distance between on-site parking and the dwelling units shall be 10 feet, and the maximum distance from a parking space to the dwelling which will be serviced by that parking space will be 200 feet as a pedestrian would travel. No parking spaces shall be located within the required front yard area, but may be located within the required side or rear yard area.
- e) Roadways, driveways and accessways within any project shall be privately owned and maintained unless all construction standards and prevailing requirements for Town roads have been fully satisfied and sufficient rights-of-way have been dedicated to comply with all procedures and requirements for acceptance by the Town of any new street.

548. General Standards and Requirements

In addition to the specific standards and requirements provided herein, the Commission's approval of any application in the Affordable Housing Zone shall be subject to the Commission making all findings under Section 1000 of these Regulations and the following additional findings:

- a. Residential development shall be consistent with the Town Plan and shall maintain the Town's predominantly single family residential character.
- b. The residential development shall not be detrimental to the health or safety of the residents of the proposed development and/or the neighborhood and shall not adversely affect any adjoining properties with respect to light, glare, vibration, noise, drainage, traffic, or other impacts.
- c. The necessary findings of Section 1000 and a. and b. above shall only be modified as necessary to conform to the requirements of Section 8-30g of the Connecticut General Statutes.

549. Application

As part of the Special Permit approval process for any development activity within the Affordable Housing Zone, the following additional requirements shall apply:

- a. Renderings and drawings of the proposed structures drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
- b. Elevation drawings of each side of the building(s).
- c. Samples of the finishing materials to be used on the exterior.

- d. Color photographs of the existing site conditions and development within 200 feet to any side of the subject property and a locus map showing all buildings within a distance of 200 feet from the subject site.
- e. Presentation of an architectural style which shall enhance and contribute to the character of the site and the surrounding area.
- f. Buildings shall be designed to enhance and contribute to special design features of the area, including historic and public buildings and the natural environment.
- g. The applicant shall either obtain and submit with the application all necessary legal documents of rights such as easements, rights-of-way, articles of association, declarations and restrictions, etc., or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such legal documents or rights appear to have a reasonable probability of success.
- h. The applicant shall submit to the Commission the proposed phasing of development to clearly specify the sequence of construction of buildings, driveways, parking areas and other improvements related to health and safety, amenities, public facilities and utilities. Such work shall be installed according to a specific construction schedule and to insure against excess excavation and undue damage from erosion. No Certificates of Occupancy shall be permitted within any phase unless and until all work within the phase shall be complete. Each phase shall be designed to fulfill all health, safety and site development requirements with respect to affordable housing units as a minimum of 25% of units within the phase, sufficient off-street parking, sufficient open space, safe access and egress, provision of utilities, proper management of storm water and drainage, and other aspects of the development to assure that health and safety issues are addressed and that each phase would be in compliance with the Regulations if following phases are not completed. Each phase must be completed prior to a Certificate of Occupancy for any units within the phase, but, if specified in the approved schedule, numerous phases can be started and underway at the same time. Each phase must be completed in the appropriate time and pattern.
- i. The applicant shall provide to the Commission such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

550. Limitation of Time

The Commission's approval shall become null and void unless construction of driveways, streets, traffic improvements and other site improvements shall be at least 50% completed within one year of the effective date of the Commission's approval. The approval shall also become null and void if site development of at least the first phase is not completed within two years of the approval and/or the entire project is not completed within three years from the date of approval. Requests for any extensions of any of the above time periods shall be submitted in writing by the applicant / developer and may be granted by the Commission for good cause and upon a finding that the extension(s) shall not be contrary to public health and safety concerns and/or the intent of these Regulations.

SECTION 560. PARKING RESIDENTIAL ZONE (PR)

561. Background and Purposes

This zone is intended to provide for the parking of passenger automobiles and the provision of public transportation facilities in certain, appropriate locations adjacent to residential and business zones. It is intended that a suitable transition be provided for such uses between residential and non-residential districts and that any detrimental impacts upon surrounding properties shall be avoided.

562. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

Any use permitted in any Residential Zone as permitted therein; the lot size and setbacks being the same as required in the adjoining Residential Zone.

563. Permitted Accessory Uses

None

564. Principal Uses Requiring Special Permits

The following uses are permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. The parking of passenger automobiles.
- b. Scheduled transportation service available to the general public.

565. Special Controls

- a. Use of the parking areas shall be limited to private passenger or public transportation automobiles, but not motor vehicle sales, rental, service or repair and no motor vehicle storage shall be permitted.
- b. Parking shall be located in accordance with Subsection 906 and no parking facilities, except as provided by Subsection 906.5 shall be located within 10 feet of any property line.
- c. In the case of a corner lot used for parking purposes, the area used for parking shall be set back from the street a distance equal to the required front yard of the adjoining Residential Zone.
- d. Necessary lighting of parking areas shall be permitted, but there shall be no unshaded light sources and lights shall be so located that their beams are not directed into neighboring residential lots or onto an adjacent street. The

Commission may limit hours of lighting and shall approve lighting plans. (See Subsection 232. Lighting Illustrations).

- e. No sign shall be displayed on such a parking area, except one identification sign not exceeding 10 square feet in area facing each street from which the parking area has access, and excepting necessary small signs identifying rear entrances of business buildings adjoining the parking area.
- f. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- g. All uses shall be subject to Site Plan approval in accordance with Section 1020.

SECTION 570. DESIGNED COMMUNITY RESIDENTIAL ZONE (DCR)

571. Background and Purposes

This district is an overlay zone which, in addition to permitted uses and controls of the underlying zone, also permits additional uses subject to special provisions and is composed of the Designed Community Residential (DCR) Zone and underlying residentially-zoned areas as shown on the Town Zoning Map. This district permits multi-family uses subject to special provisions. The district is intended to expand the alternatives for residential living in Darien by bridging the gap between large single-family residences and small in-town condominiums. The DCR Zone allows larger condominiums designed to provide an appealing alternative to single-family homes for those preferring a community oriented toward adult living with a design emphasizing flexibility, adaptability and minimum maintenance.

572. Site Requirements

a. Utilities

To qualify for development under these DMR regulations, a site shall be served by public water supply and public sewerage facilities of sufficient capacity to serve the development. The applicant shall submit a statement from a licensed Professional Engineer or the utility companies certifying that such capacity exists.

b. Environmental Impacts

An environmental impact study shall be prepared as part of any application which shall clearly illustrate all effects upon environmental factors including but not limited to: flood prone areas; water bodies; aquifers; trees and vegetation; storm drainage systems; soils; wetlands; and other such elements. Such study shall describe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development.

c. Traffic Impacts

A current traffic impact study shall be prepared incorporating the findings required to be made by the Commission under Subsection 1005 (d) and (e) of these Regulations with regard to such traffic elements as road and drive widths, sight lines, circulation patterns, curb cuts, trip generation, and other typical traffic safety and convenience requirements including impacts upon the surrounding street system.

d. Basic Services

All development proposed under this Section shall be located adjacent to or in close proximity to required basic services such as public utilities, available forms of public transportation within the community, shopping facilities, and convenient access to major highways and commuter roads. An analysis of the availability of such basic

services shall be submitted as part of any application to demonstrate that the requirements of this Subsection have been fulfilled.

573. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. All uses permitted in the underlying R-1 Zone, R-1 Zone or R-1/3 Zone as set forth in Article IV, Section 400 herein.

574. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

- a. Multi-family dwellings.
- b. Related accessory buildings, structures and uses.

575. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

Minimum Lot Area	10 acres
Minimum Lot Frontage	200
Minimum Lot Width (Average)	200
Minimum Lot Depth (Average)	200
Minimum Front Yard	50
Minimum Side Yard	25
Minimum Rear Yard	25
Maximum Height	2 ½ stories or 28 feet
Maximum Building Coverage	20%
Average Floor Area of Dwelling Units	3,900 sq. ft.
Maximum Dwelling Units/Building	4
Maximum Average Building Size	16,000 sq. ft.

576. Maximum Density

Up to six (6) Dwelling Units/Net Acre may be permitted as site conditions allow such density.

576.1 Modification

Up to 10 percent of the total site area may be identified by the Commission as being environmentally unsuitable for development and excluded from the land area

computations. Such lands being excluded shall be wetlands, land under water, land within a flood encroachment line, and/or areas with steep slopes of 15 percent or greater grade. Remaining land is net acreage to be used for the calculation of maximum densities. The Commission may increase the standard density coverage requirements hereunder as site conditions allow such density.

576.2 Usable Open Space

- a. At least 1,000 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas, excepting individual unit terrace areas if any, shall be able to contain a circle with not less than a 40 foot diameter. The land so set aside shall be monumented, graded, and landscaped and shall include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. The area or areas shall be shown on the plan as well as the nature and type of recreation facilities to be provided.
- b. The requirement of 1,000 square feet of usable common open space per unit may be reduced by an amount equal to the total square footage of private garden or terrace areas provided under Subsection 509. Said area can be included in the calculation of the 1,000 square feet of open space per unit required by Subsection 576 a.

577. Design Criteria

The following required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

- A. Sec. 509 Accessory Buildings, Structures, and Uses shall apply as modified by Sec. 577 and 578 below.
- B. Sec. 511 Architectural Design shall apply
- C. Sec. 517 Application shall apply
- D. Sec. 516 General Standards and Requirements shall apply
- E. Sec. 519 Drives shall apply.

All such Subsections are incorporated herein and made a part hereof.

577.1 Building Separation

Each principal building shall be at least fifteen (15) feet from any other principal building on the lot, as measured in a straight line between the nearest points of the foundation walls of any two such principal buildings.

577.2 Parking, Drives and Garages

- a. Number of Off-Street Spaces - 2 ½ spaces per dwelling unit, including at least one single-car enclosed garage and one additional parking space including garage aprons provided for each dwelling unit.
- b. Outside parking spaces shall be at least 5 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.
- c. No portion of any such parking area shall be more than 200 feet from the entrance of any unit served thereby.
- d. Not more than 10 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.
- e. Access driveways shall generally have a width of 20 feet.

578. Community Recreation Center and Swimming Pool

A community recreation center and swimming pool may be provided. Where provided, a community recreation center swimming pool or other outdoor recreational use shall be located a minimum of 50 feet from any single-family residential zone and shall be screened in accordance with the requirements of Section 940. All other accessory structures shall maintain a 25 foot setback from any lot line.

SECTION 580. INCLUSIONARY ZONING

581. Background and Purposes

These regulations are intended to encourage the development of below market rate dwelling units within the Town of Darien, consistent with Section 8-2(i) of the General Statutes of Connecticut.

582. Applicability

Inclusionary Zoning Regulations shall apply to all zones that allow dwelling units as a principal or special permit use.

583. Below Market Rate Requirements

Developments resulting in the creation of additional multi-family dwelling units shall designate a minimum of twelve percent (12%) of the total number of dwelling units as below market rate. For the purpose of this regulation, the term multi-family is defined as a single property with two or more dwelling units, whether attached or detached. Dwelling units constructed pursuant to Section 405e. are exempt from the requirements of this regulation.

Single-family subdivisions or re-subdivisions resulting in a total of five or more building lots shall designate a minimum of twelve percent (12%) of the total number of dwelling units as below market rate. All other single family subdivisions are exempt from the requirements of this regulation.

The below market rate requirement shall be satisfied by: providing below market rate dwelling units on the subject property; providing below market rate dwelling units elsewhere within the Town of Darien; or paying a fee in lieu; or providing some combination thereof.

At least half of the below market rate (BMR) dwelling units shall be affordable to households with an income equal to or less than 80 percent of the State Median Income for the State of Connecticut and the remainder of the below market rate dwelling units shall be affordable to households with an income equal to or less than 110 percent of the Area Median Income for the Standard Metropolitan Statistical Area encompassing Darien. If an odd number of below market rate units is being constructed, the higher number of units shall be constructed at the 80 percent number. For example, if the requirement is to construct one BMR unit, then it shall be at the 80 percent number. Household incomes are published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). Income levels are to be adjusted for household size per HUD requirements.

584. Below Market Rate Dwelling Unit

A below market rate (BMR) dwelling unit is defined as a dwelling unit occupied by an income-eligible household as described in the Section 583 where the maximum sales price or rent shall be restricted for forty years or the life of the unit, which ever is longer, using the methodology for maximum housing payment calculations outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies.

585. Incentives

Developments subject to the provisions of Section 580, except for single-family subdivisions, may, at the absolute discretion of the Commission, be eligible for an increase in permitted density up to 50 percent greater than the allowed density provided at least 25 percent of such incentive units are designated as below market rate and the Commission determines that such incentives do not adversely affect the health, safety and welfare of the public in general, and the immediate neighborhood. In such cases, the Commission may, at the absolute discretion of the Commission, allow any or all of the following waivers, provided the Commission finds that such waiver encourages the development of below market rate housing and is consistent with the surrounding neighborhood:

- a. Recreational or open space requirements may be reduced.
- b. Minimum yard requirements may be reduced.
- c. Maximum building coverage requirements may be increased.
- d. Parking requirements may be reduced.
- e. Height may be increased to allow three stories.

In no case shall the Commission approve a waiver described in a. through e. above, resulting in a requirement that deviates by more than 25% from the originating regulation.

586. Priority Population

The below market rate dwelling units shall be offered for sale or rent to income-eligible households in accordance with the following priority designations:

- a. Individuals or families who live and work in the Town of Darien who provide volunteer emergency/life saving services for residents of the Town.
- b. Individuals or families who are employed by the Town of Darien or Darien Public School system.
- c. Individuals or families who live and work in the Town of Darien.
- d. Individuals or families who live in the Town of Darien.
- e. Individuals or families who work in the Town of Darien.
- f. Individuals or families who previously lived for a minimum of one (1) year in the Town and wish to return.
- g. All other individuals or families.

587. Program Administration

Prior to the issuance of any Certificate of Occupancy, any application under Section 580 shall identify the non-profit entity or property manager who will be responsible for program administration. The program administrator is subject to the approval of the Commission or its designated representative. The program administrator shall:

- a. Annually review and certify to the Commission the annual income of households residing in below market rate dwelling units in accordance with a procedure established in advance and approved by the Commission.
- b. Maintain a list of eligible households in each category, as described in Section 586, who have applied for participation in the program. Applicants within each category shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission, or its designated representative.
- c. Annually certify to the Commission that the selected household actually resides in the below market rate dwelling unit.
- d. Certify to the Commission that below market rate dwelling units sold or re-sold do not exceed the maximum purchase price as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.
- e. Certify to the Commission that below market rate dwelling units for rent shall not exceed the maximum monthly rent as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

588. Additional Standards

- a. On-Site: Below market rate dwelling units shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and shall be indistinguishable from market rate units with respect to the exterior finishes, including landscaping, but interiors may include standard finishes and need not be of 'luxury' quality. Those units shall be designed and located to maintain the architectural elements and character of the neighborhood.

(1) Example: Nine lot subdivision:

The total number of on-site units proposed is nine (9).

The number of BMR dwelling units required: $9 \times 12\% = 1.08$.

The number of units required to be affordable to households at 80% of State Median Income: $50\% \times 1.08 = .54$.

The number of units required to be affordable to households at 110% of Area Median Income: $50\% \times 1.08 = .54$.

Since only one unit is required (the 1.08 rounds down to 1.0), that unit shall be at the 80% level, and no unit is needed for the 110% level. The remaining .08 units would have to be fulfilled via fee in lieu at the 110% level standard

$$0.08 \times \$117,800 \times 225\% = \$21,204.$$

(2) Example: Nine multi-family units to be constructed:

The total number of on-site units proposed is nine (9).

The number of BMR dwelling units required: $9 \times 12\% = 1.08$.

The number of units required to be affordable to households at 80% of State Median Income: $50\% \times 1.08 = .54$.

The number of units required to be affordable to households at 110% of Area Median Income: $50\% \times 1.08 = .54$.

Since only one unit is required (the 1.08 rounds down to 1.0), that unit shall be at the 80% level, and no unit is needed for the 110% level.

The Commission could grant up to 4 additional units as a bonus (1/2 of 9 rounded down), provided that these units meet a 25% affordability standard (Section 585).

Now there are 13 units

The number of BMR dwelling units required: $9 \times 12\% = 1.08$.

25% of the 4 bonus units will need to be affordable = 1.00.

Now, there are two required affordable units, one at the 80% level, and one at the 110% level, with the remainder being a fee-in-lieu calculated as:

The number of units required to be affordable to households at 80% of State Median Income: $50\% \times .08 = .04$

The number of units required to be affordable to households at 110% of Area Median Income: $50\% \times .08 = .04$

The Area Median Income for a family of four is \$117,800 (2008).

The cash contribution is calculated as follows:

$$0.04 \times \$117,800 \times 300\% = \$14,136$$

$$0.04 \times \$117,800 \times 225\% = \$10,602$$

The total fee in lieu payment is: \$24,738

- b. Phasing: Below market rate dwelling units shall be developed simultaneously with or prior to the development of the other units on a pro rata basis.
- c. Deed Restrictions: In order to maintain below market rate dwelling units for forty years or the life of the unit, whichever is longer, the following restrictions shall apply:
 - (1) Below market rate dwelling units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price for said dwelling unit, as determined in accordance with Subsection 587d above

or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.

- (2) Below market rate dwelling units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with Subsection 587e above.
- d. Alternative Sites: The Commission may, at its absolute discretion, approve the construction or rehabilitation of the required below market rate dwelling units on another site in Darien, provided that such off-site below market dwelling units shall be maintained for forty years or the life of the unit, whichever is longer, in the same manner as on-site units. The Commission may condition the issuance of certificates of occupancy for the development project with the completion of the off-site below market rate dwelling units or establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.
- e. Payment of a Fee: The Commission, at its absolute discretion, may require the applicant to pay a fee in lieu of constructing some, or all, of the required below market rate housing units. Such fee shall take the form of a one time cash contribution to a Town of Darien housing trust fund, or other Commission approved non-profit or for-profit organization dedicated to below market rate housing initiatives. Said funds shall be paid prior to the issuance of the first Zoning Permit. Units created with such funds shall be designated as below market rate in the same manner as required in Section 584. The cash contribution provided for each dwelling unit, or fraction thereof, shall be as follows:
- (1) Units affordable to households earning 80 percent of the State Median Income for the State of Connecticut require a cash contribution equal to 300% of the Area Median Income for a family of four.
 - (2) Units affordable to households earning 110 percent of the Area Median Income for the Standard Metropolitan Statistical Area encompassing Darien require a cash contribution equal to 225% of the Area Median Income for a family of four.
 - (3) Example: cash contribution based on 2008 data:
The total number of on-site units proposed is five (5).
The number of BMR dwelling units required: $5 \times 12\% = 0.6$.
The number of units required to be affordable to households at 80% of State Median Income: $50\% \times 0.6 = 0.3$.
The number of units required to be affordable to households at 110% of Area Median Income: $50\% \times 0.6 = 0.3$.

The Area Median Income for a family of four is \$117,800 (2008).

The cash contribution is calculated as follows:

$$0.3 \times \$117,800 \times 300\% = \$106,020$$

$$0.3 \times \$117,800 \times 225\% = \$79,515$$

The total fee in lieu payment is \$185,535.

(Note: As of the adoption of this Regulation, the 2008 Area Median Income data was the most recent available. As time changes, this data will change. The most recent data from HUD at the time the application is filed shall be used for this calculation).

- f. Where the contribution is targeted to assist an identified off-site project providing below market rate dwelling units, the Commission may, at its absolute discretion, condition the issuance of certificates of occupancy for the development project with the completion of the off-site below market rate dwelling units or establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.